

These minutes were approved by the Board on 07.11.2022

MINUTES OF THE VIRTUAL CONFERENCING MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
June 6, 2022

1. ROLL CALL

The conference call meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Secretary, Pam Rowland, at 10:34 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level Room B, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby and posted 05.27.2022.

Members Present on call (8):

The following members answered roll call:

Bridget Anderson, Chair (in room)
Matt Bavougian, Member
Vicki Criswell, Member (in room)
Ruth Lucas, Member
Marie Nordboe, Member
Leslie Reed, Member (in room)
Harold "Buddy" Sims, Member
Pamela Rowland, Vice-Chair

Members Absent (3):

Jacqueline Hornig, Secretary
Shannon Bingham, Member
Brandy Phillips, Member

Others Present:

Kris Chiles, Program Manager, Licensure Unit (via the phone)
Milissa Johnson-Wiles, Assistant Attorney General (in the room)
Joe Neuhaus – Assistant Attorney General (in the room)
Anna Harrison, DHHS Compliance Monitor (via the phone)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Rowland moved, seconded Criswell, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Bavougian, Criswell, Lucas, Nordboe, Reed, Rowland, Sims (8). Voting nay: None (0). Absent: Hornig, Bingham, Phillips (3). Vacant positions (2). Motion carried.

3. APPROVAL OF MINUTES:

MOTION: Criswell moved, seconded Rowland, to adopt the minutes for 05.02.2022 with corrections. A voice vote was taken. Voting aye: Criswell, Lucas, Nordboe, Reed, Rowland, Sims (6). Voting nay: Bavougian (1). Absent: Hornig, Bingham, Phillips (3). Abstain: Anderson (1) Vacant positions (2). Motion carried.

4. Updates/Follow-up

- a) **Body Art Regulations** - No updates
- b) **Advisory Positions: Esthetic Procedures (needle size for esthetic services)**
Discussion relating to the various needle sizes offered by manufacturers (.5 or .50, .3 or .30). Further discussion related to the names of procedures whereby dozens of tiny needles are inserted into the skin, that are similar, such as: Dermarolling, Collagen Induction Therapy (CIT), and Micro needling (board to further review in August).

The Dermatologic Workgroup Final Report was briefly discussed (developed in 8/2011 by a committee

of several dermatologic related professions and adopted by the Board). The report indicates that mild peels, typically use solutions that are equal to or less than 30% glycolic acid, are acceptable for estheticians and cosmetologists. Per statute, the practice of Esthetics/Cosmetology is upon the skin (epidermis); services below the epidermis and into the dermis are not within the scope of practice.

Criswell reported that she is seeing public discussions relating to selling medical (prescription vs professional products), medical Directors / PA's in spas, and delegated medical services.

- c) **Reports:** Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report, and Administrative Penalty Fees Assessed.

Statistics will continue to be attached to the agenda's. Concern was voiced relating to the pass/fail rates.

11:00 a.m. Trevor Klassen and Mark Mierson, investigators entered room

The Jurisprudence examination work session was deferred to a future meeting, due to not all board members being present at the meeting.

5. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Criswell moved, seconded by Reed, to enter into closed session at 11:12 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Rowland repeated the motion and purpose. A voice vote was taken. Voting aye: Anderson, Bavougian, Criswell, Nordboe, Reed, Rowland, Sims (7). Voting nay: None (0). Absent: Hornig, Bingham, Phillips, Lucas (4). Vacant positions (2). Motion carried.

11:14 am Lucas entered call
 12:13 pm Klassen exited room
 12:13 pm Mierson exited room
 12:26 pm Harrison exited call

6. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION

1:18 p.m. Verbal agreement from all board members to enter into open session.

1:19 p.m. Break
 1:30 p.m. Board returned to Open Session

Premier Nail Bar-Nail Technology Salon

MOTION: Reed moved, seconded by Sims, to recommend a 1 year probation, with the following terms and conditions: Successfully complete the jurisprudence examination by the owner within 90 days and the Standard Terms and Conditions of probation. Basis: Operate a salon prior to licensure. A voice vote was taken. Voting aye: Anderson, Bavougian, Criswell, Lucas, Nordboe, Reed, Rowland, Sims (8). Voting nay: None (0). Absent: Hornig, Bingham, Phillips, (3). Vacant positions (2). Motion carried.

Brianne Bakker – Reinstatement-Cosmetology

MOTION: Reed moved, seconded by Anderson, to recommend issuance with no terms and conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Criswell, Lucas, Nordboe, Reed, Rowland, Sims (8). Voting nay: None (0). Absent: Hornig, Bingham, Phillips, (3). Vacant positions (2). Motion carried.

Brooke Meston – Esthetician

MOTION: Rowland moved, seconded by Criswell, to defer the recommendation to the next meeting. A voice vote was taken. Voting aye: Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (10). Voting nay: None (0). Absent: Anderson (1). Abstain: (0). Vacant positions (2). Motion carried.

Amber Massa - Cosmetologist

MOTION: Reed moved, seconded by Anderson, to recommend a 6 month probation, with the following terms and conditions: Successfully complete the jurisprudence examination within 90 days and the Standard Terms and Conditions of probation. Basis: Practice prior to licensure. A voice vote was taken. Voting aye: Anderson, Bavougian, Criswell, Lucas, Nordboe, Reed, Rowland, Sims (8). Voting nay: None (0). Absent: Hornig, Bingham, Phillips, (3). Vacant positions (2). Motion carried.

Stina Vongphakdy – Permanent Color Technician

MOTION: Criswell moved, seconded by Nordboe, to recommend a probationary license to run concurrent with the probationary esthetic license, with the same terms and conditions. Basis: Currently on probation and disciplinary action. A voice vote was taken. Voting aye: Anderson, Bavougian, Criswell, Lucas, Nordboe, Reed, Rowland, Sims (8). Voting nay: None (0). Absent: Hornig, Bingham, Phillips, (3). Vacant positions (2). Motion carried.

Dustie Martin – Nail Technician

MOTION Criswell moved, seconded by Nordboe, to defer the recommendation to the next meeting. A voice vote was taken. Voting aye: Anderson, Bavougian, Criswell, Lucas, Nordboe, Reed, Rowland, Sims (8). Voting nay: None (0). Absent: Hornig, Bingham, Phillips, (3). Vacant positions (2). Motion carried.

Aliecia Ross - Cosmetologist

MOTION Criswell moved, seconded by Nordboe, to defer the recommendation to the next meeting. A voice vote was taken. Voting aye: Anderson, Bavougian, Criswell, Lucas, Nordboe, Reed, Rowland, Sims (8). Voting nay: None (0). Absent: Hornig, Bingham, Phillips, (3). Vacant positions (2). Motion carried.

Hailey Trimble – Preliminary Conviction Review

MOTION: Bavougian moved, seconded by Anderson, that the convictions, as listed on the application, would not disqualify the applicant from obtaining an Esthetic license. This decision does not guarantee licensure as an Esthetician. A voice vote was taken. Voting aye: Anderson, Bavougian, Criswell, Lucas, Nordboe, Reed, Rowland, Sims (8). Voting nay: None (0). Absent: Hornig, Bingham, Phillips, (3). Vacant positions (2). Motion carried.

9. ADJOURNMENT

Anderson announced the next meeting is scheduled for July 11, 2022 for the next regular board meeting, and small work groups will report at that time and declared the meeting adjourned at 1:45 p.m.

Submitted,

Jackie Hornig, Secretary
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by the Licensure Unit